IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION NO : 8332 of 2004

Between:

Mrs. D.Sukrutha Reddy, W/o. D. Chandra Reddy, aged 45 years
Occ: Proprietor of M/s. Keyan Enterprises, at 13-A/b, MLA Colony,
Banjara Hills, Hyderabad - 500 034.

..... PETITIONER

AND

1 Dy. Registrar Co-operative Societies, O/o. Divisional Co-operative Officer, Golconda Division, Near Exhibition Grounds, M.J. Road, Hyderabad.
2 Vijaya Co-operative Urban Bank Ltd. Raod No. 1, Banjara Hills, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ more in the nature of Writ of Mandamus directing the respondent to release the original title deeds in respect of property bearing H.No. 8-2-293/82/L/13/A/B, Road No. 12, MLA Colony, Banjara Hills, Hyderabad, as per the orders dated 19-1-2001 passed in ARC No. 285 of 2001,

Counsel for the Petitioner: MR.B.VISWANATHA REDDY

Counsel for the Respondent No.: GP FOR COOPERATION

The Court made the following:

ORDER:

Heard the learned counsel for the petitioner. None appears for respondents in spite of service of notice.

The petitioner is the 3rd defendant in A.R.C.No.285 of 2001 on the file of the Court of Arbitrator, Office of the Deputy Registrar of Co-operative Societies, Hyderabad. The 2nd respondent herein is the plaintiff in the said award proceedings. The arbitrator has passed an award under Section 62(4) of the Andhra Pradesh Co-operative Societies Act, 1964 in the said A.R.C.No.285 of 2001 on 19.11.2001 directing the petitioner herein to pay principal due amount of Rs.3,05,190.00 and 18% interest on Rs.45,00,000.00 from 28.9.2000 to 15.3.2001 as per the Memorandum of Understanding between the plaintiff bank and the defendant No.3. Further it is also directed the defendant No.3 to repay Rs.3,05,190.00 and further interest at 18% p.a., from 16.3.2001 till the time of realization. After payment of dues by the defendant No.3, the plaintiff bank is directed to issue the discharge certificate and release title deeds. Pursuant to the said award, it is stated that demand notice has been issued on 5.5.2003

demanding the petitioner to pay the sum of Rs.10,66,380/- as per the award passed in A.R.C.No.285 of 2001 dated 19.11.2001 and in case of non-payment the property belongs to the petitioner bearing House No.8-2-293/822/13/A/B, constructed on Plot No.13/A/B in Sy.No.120/403/1 of Shaikpet 102/1 of Hakeempet village, total admeasuring 460 sq.yards, will be attached and sold for realization of the said amount. Pursuant to the said demand notice the petitioner paid the said amount of Rs.10,66,380/- vide cheque bearing No.457973 dated 24.5.2003 drawn on State Bank of Hyderabad, A.P.Secretariat Branch, towards full and final settlement as per the order of in A.R.C.No.285 of 2001 dated 19.11.2001 and the said payment is without prejudice to her rights and stand taken in C.T.A.No.197 of 2003 on the file of A.P.Co-operative Tribunal, Hyderabad and requested the 2nd respondent to issue discharge certificate and return the original title deeds relating to the said property. No action has been taken by the respondent for issuing the discharge certificate and return of the original title deeds of the petitioner. Therefore, she files the present writ petition for directing the respondent to release the original title deeds in respect of the said property.

None appears on behalf of respondents and no counter affidavit is filed on their behalf.

Therefore, I am of the view that there is no justification on the part of the 2nd respondent in not releasing the title deeds of the petitioner as she has paid the principal amount and the interest payable by her as per the order passed in A.R.C.No.285 of 2001 which has become final and the respondents have not at all questioned the said order. Accordingly, the 2nd respondent is directed to issue discharge certificate and return the title deeds of the petitioner.

The writ petition is, accordingly, allowed as prayed for. No order as to costs.

(V.ESWARAIAH, J.)

21.3.2005

kpr

To

1 Dy. Registrar Co-operative Societies, O/o. Divisional Co-operative Officer, Golconda Division, Near Exhibition Grounds, M.J. Road, Hyderabad.
2 Vijaya Co-operative Urban Bank Ltd. Raod No. 1, Banjara Hills, Hyderabad.

3. 2 copies to the Govt. Pleader for Coopeation, High Court Buildings, Hyderabad (OUT).

4. 2 C.D. copies